

**IDAHO STATE ELECTRICAL BOARD MEETING
NOVEMBER 18, 2004**

MINUTES

Note: The following report is not intended to be a verbatim transcript of the discussions at the meeting, but is intended to record the significant features of those discussions.

The Idaho State Electrical Bureau held a meeting at the Holiday Inn, “Maderia Room”, located at 1399 Bench Road, Pocatello, ID on November 18, 2004, and was called to order by Chairman, Stephen Keys at 7:30 a.m. Those attending were:

**ELECTRICAL
BOARD MEMBERS:**

Steve Keys, Electrical Board Chairman
Dale Pippitt
Al Frieze
Kreg Davis
Tom Brown
Chris Jensen – arrived at 9:15 am
Lee Riley
Greg Ford
Mark Nielson

**ELECTRICAL BOARD
MEMBERS EXCUSED:**

**DBS-ELECTRICAL BUREAU
STAFF MEMBERS:**

Dave Munroe, Administrator
Gary Malmen, Electrical Bureau Chief
Lorraine Mallett, Electrical Administrative Assistant
Jeff Fitzloff, Electrical Inspection Supervisor

SPECIAL GUEST:

Mr. James P. Husted, Idaho State Tax Commission

VISITORS:

Ben Stewart, ISU Student
Bob Baird, City of ID Falls
Bob Corbell, IEC/HVAC
Brady Johnson, ISU Student
Brett Harris, Portneuf Electric
Clarence Delacruz, ISU Student
Clay Galott
Daron Beesley, Idaho Power
Davy Jones, Journeyman Electrician
Dee Kowallis, LU 449
Dennis Bills, AD Electric

Don Watters, IBEW 449
Doug Moyle, D & T Electric Heating Co
Gary Cossaboom, C & K Electric
Gary Triplett, IBEW 449
Gregg Laub, UL
Heudilh Nieslent, Guimme
Hector Guadarrama, Ritewood Inc
Howard Royal
J Wayne Van Orden, Van Orden Ideal Electric
Jacob Nelson, ISU Student
Jared Dimick, ISU Student

Jay D. Gepford, Gepford Electric
Jesse Walters
Jim Hoadley, LU 449
Jim R. Weimer, E. ID. Elect JATC
Joe Andre, NEMA
Joe Bigler, Spudnik
Josh Wheeler, Wheeler Electric
Kenneth Burton, C & K Electric Inc
Ladd Edmo, Fort Hall Housing Authority
Landon Funk, ISU Student
Luke Carpenter
Lyle Carson, ISU
Marc Bernsen, IBEW 291
Marc Coywood, ISU

Matt Oswald, Oz-Con
N Dale Mecham, Idaho Supreme Potatoes
Ralph Kirkman, School District 25
Richard Likes, L & F Electric Inc
Rick Morgan, Agrielec
Robert Bodell, IBEW/LU449
Ron Smith, Sawtooth Electric
Russell Hill, IBEW 449
Scott Rawlings, S & B Electric Inc
Sesha Hammond
Sheldon Barfuss, Marsh Valley Electric
Steve Barlow, A.E.T. Inc
Ted Sermon, Sermon Services Electric
Terri Harris, Portneuf Electric

PUBLIC-INDUSTRY COMMENTS FOR DRAFT PROPOSAL Mr. Stephen Keys, Electrical Board Chairman called the meeting to order at 7:30 a.m. announcing this pre-meeting was called today, by the Board, to solicit public and industry input on the draft, rule change regarding the requirements in obtaining an electrical contractor's license for the purpose of: reciprocating, and giving purpose to the Master to assist the industry's frustration with the level of competency (training and education), which currently, isn't at the level it should be. Presently, the administrative rule requires the applicant to be a Supervising-Journeyman for two (2) years; this proposed rule change would require the applicant to be a Supervising-Master Electrician, which requires four (4) years experience as a Journeyman Electrician. For clarification, Chairman Keys explained that any present supervising-Journeyman employed by an Electrical Contractor would not be required to hold a Master Electrician License. However, any Electrical Contractor who replaces their Supervising Journeyman (upon approval by the Legislature), will be required to replace them with a licensed, Master Electrician. Those present Supervising-Journeymen will be acknowledged, (meeting the requirements) qualifying as a Supervising Master Electrician until they are no longer the supervising person. There was concern on training and classes for Journeyman to obtain a license as a Master Electrician.

The floor was opened for public and industry comments:

AGREE

Keith Wallace, IBEW/LU 499 – Would have significance for industry improves skills
Jim Hoadley, LU 449 – Benefit the commercial environment and improve safety.
Delowell Kowallis – letter submitted (Attachment A-letter).
Josh Wheeler, Wheeler Electric – Go on record that is in favor, make industry more qualified and reciprocity benefits with other states.
Mark Bernsen, IBEW 291 – Good for industry and reciprocity benefits better across the United States.
Bob Bodell, IBEW/LU 449 – Master's license requirement long over due will help reciprocal agreements with other states will help industry workers.
Russell Hill, Journeyman Wireman – Go on record that is in favor of this requirement
Don Watters, IBEW 449 – Raises bar in industry for quality promoting basis protect property /customers. (Appreciates Electrical Board meetings rotating to different locations).

DISAGREE

Jay Gepfod, Gepford Electric – Negative impact to small contractor, retesting worries.

The Pre-meeting ended at 8:10 a.m.

The regularly scheduled Electrical Board meeting was called to order by Chairman Stephen Keys; at 9:00 am with Board member introductions.

MINUTES

MOTION: Mr. Greg Ford made a **MOTION** to accept the minutes of August 11, 2004, as written. The motion was seconded and passed by the Board, unanimously.

Chairman Steve Keys announced that the meeting was going to deviate from the Agenda because some individuals wanted to address the board.

Chairman Keys acknowledged Mrs. Hammonds who than addressed the board on the electrical laws that are basically enabling unqualified electrical workers. She stated that it was hurting business, DBS not getting money for permits, hurting customers, property owners and other areas of the industry. Wants to see changes made not just talking about it. “Don’t wait for tragedy to strike”. Discussion followed.

Chairman Keys concluded that there were a couple of issues involved 1) Exemption as identified in IC 54-1016, which the board can’t address has to be by Legislature (Property Owners) and 2) Compliance which the board can address and will talk about it later in the meeting.

Chairman Keys acknowledged Terri Harris and she addressed the board on an issue about an electrical contractors Public Works project bid. Her concern was that her business followed the State of Idaho electrical licensing rules. And than an out of state contractor wasn’t in compliance with the electrical licensing contractor rules and that contractor was still awarded the bid. General discussion of Public Works Contractors rules and Electrical Contractors licensing rules were discussed. Do Federal rules supercedes state laws? And so forth. Chairman Keys concluded that a notice of violation had been issued to the contractor for expired electrical contractors license by the Bureau before this meeting.

ABANDONED CLASS 2, CLASS 3, AND POWER-LIMITED CIRCUITS (PTLC) CABLE

Chairman Keys acknowledged Mr. James Husted from the Idaho State Tax Commission. Mr. Husted first stated that the real vs personal property (use tax – sales tax) proposed rule was not going forward to the Legislature this year. There has been some persuasive dispute with contractors on if computer data and cabling is personal property tax. The State tax commission disagreed and considers the cable was real property. Industry should be aware to consider all materials personal property. Discussion involved complication with bid for particular cable, justify price, collect tax from customer. Advantages would be state tax commissions included in price to vendor. Disadvantages: impact collecting of taxes, administrative burden for industry, marked up prices on materials. Everyone concurred that it was a complicated issue. Potential issues would involve communications and fire alarm installations – Ownership?

ELECTRICAL APPRENTICESHIP

Chairman Keys asked Gary Malmen to address the next agenda item, page 5 of Board packet, Electrical Apprenticeship problems. Mr. Malmen explained about some of the major problems arising of fraudulent apprentice papers that are occurring on hours (work experience) documentation. Responsibility of Contractor and signing journeyman documentation for apprentice accumulations hours, that constant on the job supervision, multiple state registrations counting of time potential problem. Mr. Malmen concluded that revising the Apprentice Registration form/document was needed to support and document the apprentice hours on a monthly or quarterly time line. The Bureau would like input on how to deal with dishonest/false forms. A lengthy discussion followed with the following ideas coming out:

- a. Improve violation procedures and make the fees high enough to get attention
- b. Register w/B.A.T. (Ford Electric does this)

- c. Require apprentices to be audited/investigated or keep log of hours with license revoked if falsified
- d. JATC tracks through payroll
- e. Tie with schooling? Consensus was lacking hands on experience/training

Comment that some people/contractors are out just to make money. Employees (apprentices) aren't being supervised and signed up for the Electrical apprenticeship program. Integrity of program suffering? Chairman Keys concluded that industry has reached critical point need to make changes or raise up hands and leave it alone. Industry is fragmented and laid back.

Qualifications for Electrical Contractor

Chairman Keys directed the board to page 20 of the packet, qualifications for Electrical Contractor's license and the proposed rule for Masters Electrical License required that consensus of meeting was in approval of this change. Also brought up was that maybe liability insurance, Bond or work compensation requirement tied to electrical contractor's license. Agreement was that it would be a good tie to license and also provision for inactive status of license could be accommodated like if called for active military duty. Chairman Keys asked Gary for Bureau information on examination for Electrical Contractors test. Mr. Malmen commented that the exam is a business awareness test, not skill exam. Question raised was if exam passing percentage be raised to 75% from 70%? Master is 75% at this time.

Expected Action: Electrical Bureau to get BSU exam statistics of passing rate.

Electrical Contracting Work Defined

Chairman Keys directed the board to the next agenda item on Electrical Contracting work defined, in the past this issue has been brought to us and the board has not made a stand on any issues yet. Issues run gamut from Specialty Electrical Contractor who's competing with people that don't have Specialty electrical licenses that are bidding for jobs and then sub contracting the work out that does have a license. Another issue of concern, was about Home Depot and Lowe's contracting to do electrical work, and then subbing it out to an electrical contractor. Law stating that to do electrical work requires an electrical license. Discussion followed.

Expected Action: Electrical Board wants Bureau to send letters to Home Depot and Lowe's that states Idaho's Electrical laws/rules for electrical contractor work and any other contractors that Bureau is brought aware of. (Editors note – Kay Christensen, DAG composed and mailed out letters dated 11/22/2004)

Compliance Issues, Notice of Violations and Civil Penalties – Overview

Chairman Keys directed the meeting to page 28 of packet to discuss compliance issues, notice of violations and civil penalties. It was noted on page 28-005 that the Bureau address was incorrect. Mr. Malmen commented that the Bureau attempted to change the address as well as several other rules with reference to the incorrect address, but the Bureau was informed to wait and submit the changes later. Chairman Keys asked Gary to go over rules/procedures for compliance issues, notice of violations and civil penalties. Mr. Malmen went through steps and explained that it is a very slow procedure to process these issues, pages 30-33 of packet showed process of steps. Is not a timely process because of resources of Electrical Bureau. Question and answer period of procedure took place for clarification of information and procedures. Need to get handle on Compliance or throw in towel. Enforce across the board for apprentices, signing journeyman and contractors. Suggestion was made of forming sub-committee of the Electrical board to work with Division of Building Safety to work towards redirecting inspection time, to happen incrementally. Also brought to attention was the comment that getting people qualified to do work helps with safety of work. Tax Commission example was brought up that more auditors put on more money brought into state coffers, could do the same with compliance officers for Electrical Bureau.

Adjourned for lunch at 12:00 pm

Chairman Steve Keys called meeting back to order at 1:10 pm and continued discussion on compliance issues, notice of violations and civil penalties.

Chairman Keys brought up suggest that the Electrical Board be assigned responsible to look over the paperwork of civil penalties, take off Administrators Munroe's desk. Broader representation you have the better consensus of decisions, Board more aware of industry than Administrator. Going to Board more ideas for decision keep from Senator calling Dave and keep from stepping on toes, won't call nine people. Being stuck by peers than Bureau.

MOTION: Content that the Electrical Board will review civil penalties instead of Division of Building Safety Administrator for when Legislation comes forward board endorses it. Chris Jensen so moved, seconded and motion carried unanimously.

Consolidate licensing functions and compliance issues for all departments of the Division into one identity within the Division of Building Safety was brought up, more of a one-stop shop. Discussion followed, Dave Munroe said the Division was looking into some of these ideas. Public was interested in the idea.

Chairman Keys asked what the prospects of sub-committee for reallocation of resources within the Bureau. Lee, Al, Tom and Steve for sub-committee hopefully come back to next board meeting with some ideas.

MOTION: Ask Legislature for addition resources; personnel or equipment. Chris Jensen so moved, it was seconded. Discussion followed.

SUBSEQUENT MOTION: Kreg Davis more supportive of motion if gave permission to DBS to come up with a system or tier to use resources where needed than every single job inspected.

AMENDED MOTION: Chris Jensen moved to change first motion to read to ask Legislature for four (4) inspectors or 10% increase of inspectors.

Amended Motion reads: Ask Legislature for four more inspectors and equipment. Seconded and motion carried unanimously.

SUBSEQUENT MOTION: Kreg Davis moved that we look at developing a system that would allow for different levels of inspection to free up resources to look at compliances.

Chairman Keys asked Kreg Davis if he would be interested in being on sub committee which he agreed to. After discussion no sub committee will just be special board meeting since 5 members interested on sub committee. One subject meeting - public open posted meetings.

FISCAL REPORTS – ELECTRICAL BUREAU

Chairman Keys asked Gary Malmen to report on the Electrical Bureau fiscal reports. Mr. Malmen directed board to pages 37-40 to the fiscal reports, lots of permit activity shown for quarter. Question on where overwhelming activity for work in state is at this time - Coeur D'Alene area highest at this time. Chairman Keys reminded that funding is appropriated from Legislature, even though Bureau is bringing in revenues can't use it for needed resources.

Electrical Inspection, Licensing & Examination Report

Chairman Keys acknowledged Jeff Fitzloff, Inspections Program Supervisor for information on electrical inspection, licensing and examination reports. Jeff noted that specialty license has increased because of the HVAC licensing requirements. Results from different schools shown on page 44 of packet. Greg Ford made the commented that it looked like the state journeyman's test is dropping off from first time passing. Jeff commented that the test is harder and could be why first time testers aren't passing, plus schools are cutting back some. Public commented that BSU assessment not getting back to people in a timely manner, difficult getting paperwork and that BSU was charging \$5.00 for instant test grading results. Also brought up was that someone is collecting all exam questions and selling them.

Discussion followed and concern on exams integrity expressed. Comprises test if fee paid to review exam questions only missed and correct answer given.

Expected Action: Jeff will check into if BSU lets person taking test to review questions missed and answers.

Invite Schools to attend next meeting to voice Boards concerns and get their responses.

Gary to get accurate number of apprentices registered for the board members.

MULTI-STATE RECIPROCITY AGREEMENT

Chairman Keys acknowledged Gary Malmgren to give information on the multi-state reciprocity agreement. Mr. Malmgren relayed that Oklahoma has requested to participate in the multi-state reciprocity agreement. And that New Hampshire has such a close program as the states already in the reciprocity agreement that they have been asked to join. Discussion followed on validity of reciprocity agreements with other states. Consensus was that reciprocity agreement is a good idea, but want the other states programs to be comparable to Idaho's educational program. Raising passing percentage on exams to 75% may be helpful to be more in line with other states was also brought up again.

MOTION: Modify reciprocal agreements in that only consider those people that can demonstrate that they have had this vocational training whether or not the state requires it or not. They have to show their license as well as proof that they completed related educational. Kreg Davis so moved, motion was seconded and motion carried unanimously.

NATIONAL ELECTRICAL CODE – NEC 2005 EDITION OVERVIEW

Chairman Keys moved to the next item on the agenda the NEC 2005 overview. Jeff Fitzloff gave a short power point presentation on just a few of the changes. Discussion on selected changes on different codes took place.

NEC 2005 edition code books distributed to the Electrical Board Members courtesy of Electrical Wholesale Supply Co., KREG DAVIS – THANK YOU KREG!

Expected action: Look over NEC 2005 code changes come back in February meeting with proposal to adopt NEC 2005 code with certain resolutions if needed or not.

Chairman Keys asked if Mr. Scott Rawlings was present and wished to address the Board. Mr. Rawlings addressed the board on a civil penalty charge he received (\$600.00 civil penalty) on failure to post a permit. Documentation from Bureau showed that there were several times proper procedures were not followed by Mr. Rawlings company. Discussion followed for more information and clarification of situations. Thanked Mr. Rawlings for coming since didn't file official appeal with in time frame so legally basically no relief this board can grant to that civil penalty. The Board can look into this if they feel something was done wrong and act upon that. Mr. Rawlings did say that the penalty has been paid the day before.

Mr. Scott Rawlings also asked about the "constant on-the-job" supervision for apprentice and journeyman clarification. This is in reference to Rule 07.01.03012.02 Direct Supervision. It shall be the responsibility of the employing electrical contractor to insure that the apprentice performs electrical work only under the constant on-the-job supervision of a journeyman electrician. Any contractor who employs more than two (2) apprentice electricians for each licensed journeyman electrician employed is presumed to be in violation of the direct supervision requirements of Sect 54-1010, Idaho Code, and of the constant on-the-job supervision requirement of Section 54-1003A, Idaho Code. Discussion followed. Chairman Keys brought it back to credibility of people and company. Mr. Scott Rawlings thanked board for their time. Chairman Keys said that they would respond to Mr. Rawlings comments.

ELECTRICAL BOARD AND NEGOTIATED RULEMAKING MEETINGS – 2005 SCHEDULE

Chairman Keys addressed the next agenda item on the board meeting schedule. Mr. Keys suggested December 9, 2004 for the Special Board meeting on compliance/resources. Time was set for 9 am – 12:00 pm at DBS in Meridian. For 2005 the Electrical Board meetings were tentatively set for:

February 10, 2005 – in Meridian
May 12, 2005 – Northern Idaho
August 11, 2005 – Pocatello area
November 10, 2005 – in Meridian

OLD/NEW BUSINESS

Chairman Keys acknowledged Bob Corbell and he passed out a letter from Larry L. Larson a contractor in Burley, ID see Attachment A. Discussion of the letter for clarification on the co-op, procedures and if electrical licenses were needed followed. Mr. Corbell commented that this method of work is being practiced a lot in this area. Chairman Keys commented that it is more a HVAC side more viable than electrical side.

MOTION: Steve Keys moved that the Board go into Executive Session in accordance with Idaho Code to discuss personnel matters. Motion was seconded and motion carried, unanimously.

Chairman Keys stated for the record to reflect that the Electrical Board returned from an Executive Session after discussing personnel matters. Chairman Keys asked for discussion on Mr. Scott Rawlings if any action was wanted? Kreg Davis made the suggestion that the \$600.00 be cut in half to \$300.00 civil penalty fee. Discussion on rescinding the full fee followed.

MOTION: Chris Jensen moved to rescind the \$600.00 civil penalty (Notice of Violation #17279) fee for Mr. Scott Rawlings. Motion was seconded. Motion passed with one apposed vote.

Chairman Keys asked for any additional old/new business in hearing none,

MOTION: Mr. Dale Pippitt moved to adjourn. Mr. Lee Riley seconded the motion and motion carried, unanimously. The meeting adjourned at 4:12 p.m.

DAVE MUNROE
Secretary of the Board

DATE

LORRAINE MALLETT
Minutes Recorder

DATE